

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty JRL-4271-100

Dkt.

C# M#

FROGGATT et al.



TC/A.U. 2877

Serial No. 10/520,818

Examiner: Connolly, Patrick J.

Filed: July 25, 2007

Date: November 2, 2007

Title: HETERODYNE OPTICAL SPECTRUM ANALYZER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/ELECTION

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	34	minus highest number	
previously paid for	47	(at least 20) =	0 x \$50.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	5	minus highest number	
previously paid for	8	(at least 3) =	0 x \$210.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$370.00 (1203)/\$185.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$60.00 (2251)
Two Month Extensions	\$460.00 (1252)/\$230.00 (2252)
Three Month Extensions	\$1050.00 (1253)/\$525.00 (2253)
Four Month Extensions	\$1640.00 (1254)/\$820.00 (2254)
Five Month Extensions	\$2,230.00 (1255)/\$1115.00 (2255) \$

Terminal disclaimer enclosed, add
\$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee	\$180.00 (1806)	\$	0.00
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Assignment Recording Fee	\$40.00 (8021)	\$	0.00
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Other:		\$	0.00
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TOTAL FEE \$ 0.00

☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: John R. Lastova, Reg. No. 33,149

Signature: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FROGGATT et al.

Atty. Ref.: 4271-100; Confirmation No. 2864

Appl. No. 10/520,818

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For: HETERODYNE OPTICAL SPECTRUM ANALYZER

* * * * *

November 2, 2007

Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

ELECTION WITH TRAVERSE

In response to the restriction requirement dated October 5, 2007, Applicants elect for examination claims 1-32, 46 and 47. It is not understood how the two sets of claims are viewed to be species. Although one might argue that claims 33-45 are directed to an invention that is patentably distinct from the invention recited in claims 1-32, 46 and 47, it is unclear how one would view these as separate species to a generic claim.

In any event, Applicants believe that the search necessary for claims 1-32, 46 and 47 will likely be very much the same as the search for claims 33-45. The Examiner is reminded of MPEP §803: "If the search and examination of all claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions" (emphasis added).

Reconsideration of the restriction requirement is respectfully requested.